

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DEVONTA NOWDEN,

Plaintiff,

V.

CAPTAIN FNU BOOZER, LT. FNU
SULLIVAN, LT. FNU HOPKINS,
LASALLE CORRECTIONS,

Defendants.

§ § § § § § § § § § § § § § § §

CIVIL ACTION NO. 5:20-CV-00023-RWS

ORDER

Before the Court is the Report and Recommendation of the United States Magistrate Judge (Docket No. 14), which contains her findings, conclusions and recommendations for the disposition of this matter. The Court hereby adopts the Report and Recommendation of the Magistrate Judge as the findings and conclusions of this Court.

Plaintiff Devonta Nowden, proceeding *pro se*, filed the above-titled civil action complaining of alleged violations of his constitutional rights. Docket No. 1. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636 and the applicable orders of this Court. Plaintiff was ordered to pay an initial partial filing fee of \$10.00, in accordance with 28 U.S.C. § 1915(b), but he did not comply. After Plaintiff failed to pay the initial partial filing fee, the Magistrate Judge issued a Report recommending the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Docket No. 14. Plaintiff acknowledged receipt of the Report and Recommendation (Docket No. 15), but he filed no objections in response.

Plaintiff is, therefore, barred from *de novo* review by the District Court of the Magistrate Judge's findings, conclusions and recommendations; and, except upon grounds of plain error, Plaintiff is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause of action and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the Magistrate Judge (Docket No. 14) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-titled cause of action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute or to obey an order of the Court. It is further

ORDERED that, because the alleged incident occurred on February 6, 2020, and a dismissal without prejudice could operate as a dismissal with prejudice given the statute of limitations, the limitations period is **SUSPENDED** for a period of 60 days following the date of entry of final judgment. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED-AS-MOOT**.

So ORDERED and SIGNED this 27th day of April, 2022.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE